

Southwestern Bell

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Federal Communications Commission
Office of Secretary

June 14, 1996

Durward D. Dupre
Vice President-
Associate General Counsel

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

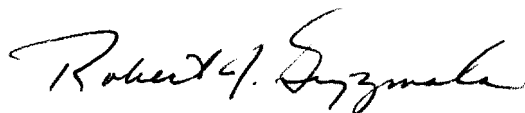
DOCKET FILE COPY ORIGINAL

Re: Erratum, CC Docket No. 96-115

Dear Mr. Caton:

Please accept for filing SBC Communications Inc.'s Erratum and Attachment A hereto in the above-referenced matter.

Sincerely,



(f) Durward D. Dupre

Enclosure

One Bell Center
St. Louis, MO 63101

Phone 314 235-4300

048

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUN 14 1996

Federal Communications Commission
Office of Secretary

In the Matter of)

Implementation of the)

Telecommunications Act of 1996:)

CC Docket No. 96-115

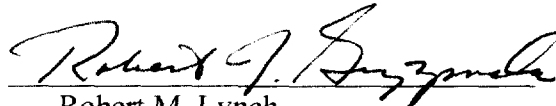
Telecommunications Carriers' Use)
of Customer Proprietary Network)
Information and Other Customer)
Information)

ERRATUM

SBC Communications Inc. ("SBC") hereby moves the Commission for leave to file Attachment A hereto in the above-referenced docket. In particular, SBC mistakenly filed two originals of page 19 in its Comments filed June 11, 1996 and no page 20. Attachment A is said page 20. SBC is providing those identified in the Comments' service list with a copy of Attachment A. Accordingly, SBC moves the Commission to accept Attachment A for inclusion in SBC's Comments in lieu of the second page 19 originally filed therein.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

By 

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June 14, 1996

-20-

IX. PREEMPTION SHOULD ONLY BE USED WHERE NECESSARY TO PRECLUDE ENFORCEMENT OF MORE RESTRICTIVE STATE AND LOCAL LAWS.

The NPRM seeks comment on the extent to which Section 222 permits states to impose additional CPNI requirements. NPRM, ¶17. The NPRM further seeks comment regarding what aspects of state regulation of CPNI or other customer information would enhance or impede the federal purpose. *Id.*

Historically, the Commission has preempted only more restrictive state CPNI regulation. In keeping with this proper approach, and in light of the Court's decision in California v. FCC, 39 F.3d 919 (9th Cir.1994), cert. denied, 115 S. Ct. 127 (1995), the Commission should only preempt state laws only where they are more restrictive than Section 222 and the Commission's rules interpreting it. In California, the Court upheld the FCC's exercise of its preemption authority, reasoning that the FCC had shown that "conflicting state rules regarding access to CPNI would negate the FCC's goal of allowing the BOCs to efficiently develop a mass market for enhanced services for small customers." *Id.* at 933.

Conversely and consistently with the terms of Section 601(c) of the Act (which provides that the Act shall not be construed to modify, impair or supersede state or local law unless expressly so provided), those states which may have enacted statutes or promulgated rules allowing greater use of CPNI use than the FCC's own rules should continue to govern in the context of intrastate telecommunications service offerings. So, too, state statutes or rules which allow a form of customer approval that may be more flexible than that ultimately adopted by this Commission should likewise be permitted to stand.¹⁷ In light of Congress' stated policy regarding preemption and

¹⁷ As noted earlier, the Texas Legislature has recently determined that telephone companies may
(continued...)

CERTIFICATE OF SERVICE

I, Liz Jensen, hereby certify that the foregoing Erratum of SBC Communications Inc., Docket 96-115, has been served this 14th day of June, 1996 to the Parties of Record.

Liz Jensen
Liz Jensen

June 14, 1996

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